

Judge Timothy W. Dore
Chapter 13
Hearing Date: June 30, 2021
Hearing Time: 9:30 am
Hearing Location: Seattle, WA
Response Due Date: June 23, 2021

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re

NO. 16-10224

DALE EHRENHEIM AND CHERYL
EHRENHEIM,

Debtors.

REPLY CONCERNING STATE'S
MOTION TO WAIVE THE STATUTE OF
LIMITATIONS AS TO DOMESTIC
SUPPORT OBLIGATIONS

Debtor has responded that the State's motion is untimely because under 11 USC § 108(c), the limitations period is extended so the State has 30 days after notice of the termination or expiration of the bankruptcy stay to bring this motion. The State has not received notice of the termination or expiration of the stay, which will likely occur on discharge. In raising this argument, the Debtor did not address that the Debtor is bound by the terms of his Chapter 13 bankruptcy plan and under the terms of the plan, "The debtors' domestic support obligation will survive." The purpose for this case specific provision was that Debtor was unable to pay the entire domestic support obligation he owed to the custodial parent during the course of the bankruptcy plan. This provision makes clear Debtor agreed that the obligation to pay domestic support extended beyond the plan and the limitations period.

The State requests that the Court grant the State's motion and find that under the terms of the bankruptcy plan, Debtor Dale Ehrenheim's obligation to pay domestic support survives his bankruptcy. This results in a waiver of the limitations period to ensure payment of the domestic support obligation owed by the Debtor to the custodial parent. In the alternative, the State requests the court find, as proposed by the Debtor, that Section 108(c) applies to the domestic support obligation owed by Dale Ehrenheim. Therefore, the State has 30 days after lifting

REPLY CONCERNING STATE'S MOTION TO
WAIVE THE STATUTE OF LIMITATIONS AS
TO DOMESTIC SUPPORT OBLIGATIONS

1 of the bankruptcy stay to bring a motion that the Debtor's domestic support obligation survives
2 his bankruptcy and remains enforceable waiving the limitations period.

3 DATED this 23rd day of June, 2021.

4 ROBERT W. FERGUSON
5 Attorney General

6 /s/ Susan Edison

7 SUSAN EDISON, WSBA No. 18293
8 Senior Counsel

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

REPLY CONCERNING STATE'S MOTION TO
WAIVE THE STATUTE OF LIMITATIONS AS
TO DOMESTIC SUPPORT OBLIGATIONS

2

OFFICE OF THE ATTORNEY GENERAL
Bankruptcy & Collections Unit
800 Fifth Avenue, Suite 2000
Seattle, Washington 98104-3188
Phone: (206) 389-2187 – Fax (206) 587-5150